

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ACADIA INSURANCE COMPANY,

Plaintiff,

-v-

JOSEPH M. WALLACE,

Defendants.

19 Civ. 2279 (PAE)

ORDER OF
DEFAULT JUDGMENT

PAUL A. ENGELMAYER, District Judge:


This action having been commenced on March 13, 2019, by the filing of the Summons and Complaint, and a copy of the Summons and Complaint having been personally served on the co-tenant of defendant, Joseph M. Wallace (“Wallace”), on May 6, 2019, at Wallace’s usual place of abode, 49 Glenwood Road, Pine Island, New York 10969, and the Summons and Complaint thereafter served on Wallace by first class mail to that same address on May 7, 2019, and a proof of service having been filed on May 14, 2019, and a copy of the Summons and Complaint also having been served on Wallace via first class mail to his last known residence and the address identified in his policies for insurance issued by Acadia, 3 Silver Spruce Drive, Sussex, New Jersey 07641, the defendant not having answered the Complaint, and the time for answering the Complaint having expired, it is

ORDERED, ADJUDGED AND DECREED that the insurance policies issued by Acadia Insurance Company (“Acadia”) to Wallace under policy numbers CFM 5214688-10, CFE 5215669-10, CFM 5214688-11, and CFE 5215669-11 (collectively the “Policies”) are rescinded and void *ab initio* pursuant to New York Insurance Law §3105; (2) Acadia has no obligation to

defend or indemnify Wallace or any other person or entity in connection with the action captioned *Penaluna v. Wallace*, in New York Supreme Court, Orange County, Index No. EF002166-2018, or any other occurrence, claim, or suit that would fall within the scope of the rescinded Policies.

The Clerk of Court is respectfully directed to terminate the motion pending at Dkt. 19 and close this case.

SO ORDERED.



Paul A. Engelmayer
United States District Judge

Dated: November 20, 2019
New York, New York